

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 236

HOUSE BILL 2259

AN ACT

AMENDING SECTIONS 33-1451 AND 41-2186, ARIZONA REVISED STATUTES; RELATING TO
MOBILE HOME TRANSACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 33-1451, Arizona Revised Statutes, is amended to read:

33-1451. Tenant to maintain mobile home space; notice of vacating; clearance for removal; criminal violation

A. A tenant of a mobile home space shall exercise diligence to maintain that part of the premises ~~which he~~ THAT THE TENANT has rented in as good condition as when ~~he~~ THE TENANT took possession and shall:

1. Comply with all obligations primarily imposed ~~upon~~ ON tenants by applicable provisions of city, county and state codes materially affecting health and safety.

2. Keep that part of the premises that ~~he~~ THE TENANT occupies and uses as clean and safe as the condition of the premises permits.

3. Dispose from ~~his~~ THE TENANT'S mobile home space all rubbish, garbage and other waste in a clean and safe manner as prescribed by park rules.

4. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so.

5. Conduct himself and require other persons on the premises with ~~his~~ THE TENANT'S consent to conduct themselves in a manner that will not disturb ~~his~~ THE TENANT'S neighbors' peaceful enjoyment of the premises.

6. Inform the landlord or manager of the mobile home park at least thirty days before the expiration of the rental agreement that the agreement will not be renewed by the tenant and that the premises will be vacated. If timely notice is not given prior to moving from the mobile home space, the tenant ~~then~~ is responsible for rent equal to an amount consistent with the applicable notice period.

B. A tenant shall not remove a mobile home from a mobile home space unless the tenant has received from the landlord a clearance for removal showing that all monies due the landlord as of the date of removal have been paid or that the landlord and tenant have otherwise agreed to the removal. The landlord shall not interfere with the removal of a mobile home for any reason other than nonpayment of monies due as of the date of removal even if the term of the rental agreement has not expired.

C. A PERSON SHALL NOT ENTER A MOBILE HOME PARK AND BEGIN WORK ON THE REMOVAL OF A MOBILE HOME FROM A MOBILE HOME PARK WITHOUT FIRST SATISFYING THE REQUIREMENTS FOR A CLEARANCE FOR REMOVAL AS PRESCRIBED IN SECTION 33-1485.01. A PERSON WHO HAS NOT SATISFIED THE REQUIREMENTS FOR A CLEARANCE FOR REMOVAL AS PRESCRIBED IN SECTION 33-1485.01 AND WHO REFUSES TO LEAVE AND REMOVE THEIR REMOVAL EQUIPMENT FROM THE MOBILE HOME PARK ON REQUEST FROM THE LANDLORD COMMITS CRIMINAL TRESPASS IN THE THIRD DEGREE PURSUANT TO SECTION 13-1502. THIS SUBSECTION DOES NOT APPLY IF THE LANDLORD REFUSES TO PROVIDE THE CLEARANCE FOR REMOVAL IF THE REQUIREMENTS IN SECTION 33-1485.01 ARE SATISFIED.

1 Sec. 2. Section 41-2186, Arizona Revised Statutes, is amended to read:
2 41-2186. Grounds for disciplinary action

3 The deputy director may, on the deputy director's own motion, and
4 shall, on the complaint in writing of any person, cause to be investigated by
5 the office the acts of any manufacturer, dealer, broker, salesperson or
6 installer licensed with the office and may temporarily suspend or permanently
7 revoke any license issued under this article, impose an administrative
8 penalty or place on probation any licensee, if the holder of the license,
9 while a licensee, is guilty of or commits any of the following acts or
10 omissions:

11 1. Failure in any material respect to comply with this article or
12 article 2 of this chapter.

13 2. Violation of any rule that is adopted by the board and that
14 pertains to the construction of any unit or of any rule that is adopted by
15 the board and that is necessary to effectively carry out the intent of this
16 article, article 2 of this chapter or the laws of the United States or of
17 this state.

18 3. Misrepresentation of a material fact by the applicant in obtaining
19 a license.

20 4. Aiding or abetting an unlicensed person or knowingly combining or
21 conspiring with an unlicensed person to evade this article or article 2 of
22 this chapter, or allowing one's license to be used by an unlicensed person or
23 acting as an agent, partner or associate of an unlicensed person with intent
24 to evade this article or article 2 of this chapter.

25 5. Conviction of a felony.

26 6. The doing of a wrongful or fraudulent act by a licensee that
27 relates to this article or article 2 of this chapter, including, beginning
28 July 1, 2012, failure to comply with section 41-2180, subsection A, OR THE
29 DOING OF ANY OTHER WRONGFUL OR FRAUDULENT ACT IN CONJUNCTION WITH THE SALE,
30 TRANSFER OR RELOCATION OF A MOBILE HOME IN THIS STATE.

31 7. Departure from or disregard of any code or any rule adopted by the
32 board.

33 8. Failure to disclose or subsequent discovery by the office of facts
34 that, if known at the time of issuance of a license or the renewal of a
35 license, would have been grounds to deny the issuance or renewal of a
36 license.

37 9. Knowingly entering into a contract with a person not duly licensed
38 in the required classification for work to be performed for which a license
39 is required.

40 10. Acting in the capacity of a licensee under any license issued under
41 this article in a name other than as set forth on the license.

42 11. Acting as a licensee while the license is under suspension or in
43 any other invalid status.

44 12. Failure to respond relative to a verified complaint after notice of
45 such complaint.

1 13. Violation of title 28, chapter 10 or rules adopted pursuant to
2 title 28, chapter 10, except for the licensing requirements of sections
3 28-4334, 28-4335, 28-4361, 28-4362, 28-4364, 28-4401 and 28-4402.

4 14. False, misleading or deceptive sales practices by a licensee in the
5 sale or offer of sale of any unit regulated by this article or article 2 of
6 this chapter.

7 15. Failure to remit the consumer recovery fund fee pursuant to section
8 41-2189.

9 16. Acting as a salesperson while not employed by a dealer or broker.

10 17. As a salesperson, representing or attempting to represent a dealer
11 or broker other than by whom the salesperson is employed.

12 18. Failure by a salesperson to promptly place all cash, checks and
13 other items of value and any related documents received in connection with a
14 sales transaction in the care of the employing dealer or broker.

15 19. Failure to provide all agreed on goods and services.

16 20. Failure to manufacture or install in a workmanlike manner all
17 subassemblies, units and accessory structures that are suitable for their
18 intended purpose.

19 21. Failure of the licensee to work only within the scope of the
20 license held.

21 22. An action by a licensee, who is also a mobile home park owner,
22 manager, agent or representative, that restricts a resident's or prospective
23 resident's access to buyers, sellers or licensed dealers or brokers in
24 connection with the sale of a home or the rental of a space, that the
25 department finds constitutes a violation of section 33-1434, subsection B or
26 section 33-1452, subsection E or that violates any law or regulation relating
27 to fair housing or credit practices.

APPROVED BY THE GOVERNOR MAY 12, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2016.

Passed the House March 1, 20 16

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

☐ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate March 30, 20 16

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2259

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 7, 2016,

by the following vote: 43 Ayes,

12 Nays, 5 Not Voting

[Signature]
Speaker of the House

Jim Drake
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2016,

at 3:33 o'clock A. M.

Valerie Hanna
Secretary to the Governor

Approved this 12th day of

May, 2016,

at 9:48 o'clock A. M.

Douglas D. Ivey
Governor of Arizona

H.B. 2259

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2016,

at 8:31 o'clock A M.

Michelle Reagan
Secretary of State